

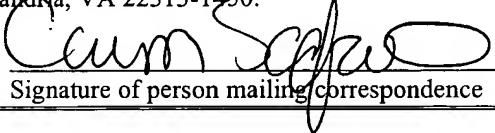
PATENT
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I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Caryn Scafati

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ike W. Lee et al

Art Unit: 1634

Serial No.: 10/780,120

Examiner: Not yet assigned

Filed: February 17, 2004

Customer No.: 21559

Title: CARDIAC-CELL SPECIFIC ENHANCER ELEMENTS AND
USES THEREOF

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER 37 C.F.R. § 1.821(e)

The Sequence Listing for the above-captioned application is identical to that which was filed June 6, 2001 in application U.S. Serial No. 09/761,466, filed January 16, 2001.

In accordance with 37 C.F.R. § 1.821(e), Applicants thus request that the computer readable form of the Sequence Listing that was filed in U.S. Serial No. 09/761,466 on June 6, 2001 be used for the above-captioned application.

It is understood that the Patent and Trademark Office will make the necessary changes in application number and filing date for the computer readable form that will be used with the present application. Applicants have enclosed herewith a paper copy of the

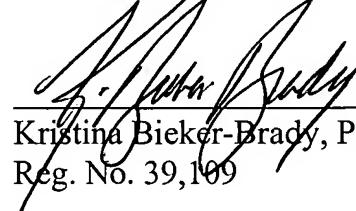
Sequence Listing and a preliminary amendment directing its entry into the specification.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date:

June 28, 2004


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